

The Office Action rejects claims 4-6 and 17-19 under 35 U.S.C. §112, second paragraph. This rejection is respectfully traversed.

Applicants submit that under 35 U.S.C. §112, second paragraph, Applicants are required to claim subject matter which Applicants regard as their invention. A rejection based on the failure to satisfy this requirement is appropriate only where Applicant has stated, somewhere other than the application as filed, that the invention is somewhat different than what is defined by the claims. In other words, the invention set forth in the claims must be presumed, in the absence of evidence to the contrary, to be that which Applicants regard as the invention. The Examiner's attention is respectfully directed to MPEP 2172, and *In re Moore*, 439 F.2d 1232, 169 USPQ 236 (CCPA 1971).

Accordingly, claims 4 and 17, which recite a fixing layer, are not indefinite. Applicant requests withdrawal of the rejection of claims 4 and 17, and claims 5-6 and 18-19 depending therefrom, under 35 U.S.C. §112, second paragraph.

The Office Action rejects claims 1, 2, 4-7, 14, 15 and 17-20 under 35 U.S.C. §102(a) over Ogiso (U.S. Patent No. 5,867,074), Nakata (U.S. Patent No. 4,639,632), JP-A 6-303077 (JP077) and JP-U 3-107821 (JP821). This rejection is respectfully traversed.

Applicant submits that none of the applied references to Ogiso, Nakata, JP077 and JP821 discloses or suggests a plurality of leads being provided with a flat leading end portion which opens in a substantially U-shaped opening toward a leading end, connected substantially in parallel with an electrode, the electrode opposing one surface of the piezoelectric resonator element, and a connecting layer being formed with a conductive resin between the leading end portion and the electrode, and the piezoelectric resonator element being attached to the leads to an end of the substantially U-shaped opening of the leading end portion on a side facing a supporting member, so that an edge of the piezoelectric resonator

element on the side facing the supporting member may be positioned at the end of the substantially U-shaped opening, as recited in claim 1.

Ogiso discloses, in Fig. 16, for example, a lead 25 with a V-shaped connected end 25c deformed into a flat shape and attached to a connection land 7 by a conductive adhesive agent 26. However, Ogiso does not disclose that a piezoelectric resonator element is attached to the lead to an end of a substantially U-shaped opening of the leading end portion on a side facing a supporting member, so that an edge of the piezoelectric resonator element on the side facing the supporting member may be positioned at the end of the substantially U-shaped opening, as recited in claim 1. Thus, with the teachings of Ogiso, the shock resistance becomes different from each piezoelectric resonator element, for example.

Nakata also does not disclose or suggest the features recited in claim 1. In fact, Nakata does not disclose or suggest any lead provided with flat leading end portion which opens in a substantially U-shaped opening toward a lead end. Instead, Nakata discloses, in Fig. 8 for example, lead-in conductors 7 having an arcuate projection 201 bonded on a side to a quartz plate 8 by an insulating adhesive or sealing material or the like.

JP077 also does not disclose or suggest the features recited in claim 1. JP077, in Fig. 1a, for example, discloses a lead 6 with a fork-shaped opening attached to the resonator element 1 by a bonding element 3. However, JP077 does not disclose that a piezoelectric resonator element is attached to the to an end of a substantially U-shaped opening of the leading end portion on a side facing a supporting member, so that an edge of the piezoelectric resonator element on the side facing the supporting member may be positioned at the end of the substantially U-shaped opening, as recited in claim 1.

JP821 also does not disclose or suggest the features recited in claim 1. JP821, in Fig. 4, for example, discloses leads 2 and 3 with a fork-shaped opening 15 attached to the

resonator element 4 by a bonding element. Thus, in JP821, the shock resistance becomes different from each piezoelectric resonator element.

Contrary to the applied references, in the piezoelectric resonator as claimed in claim 1, at an end of a substantially U-shaped opening of the leading end portion on a side facing a supporting member, a piezoelectric resonator element is attached so that the supporting member side edges of the piezoelectric resonator element are substantially matched. Thus, the gap between the supporting member and the piezoelectric resonator element is constant, and a spring structure, for example, is made uniform. As a result, a piezoelectric resonator element which can absorb a strong shock during a fall or the like can be implemented without having any irregularities in its shock resistance, for example.

The applied references do not disclose or suggest these features. As shown in Fig. 1 of JP077, for example, there is no gap between the supporting member and the piezoelectric resonator element, so that a rigid structure is provided instead of a spring structure of the claimed invention. Furthermore, in JP821, soldering is used for connection between the resonator and the lead, and thus a spring structure cannot be implemented.

For similar reasons, the applied references do not disclose a piezoelectric resonator element being attached to leads to an end of a substantially U-shaped opening of the leading end portion on a side facing a supporting member, so that an edge of the piezoelectric resonator element on the side facing the supporting member may be positioned at the end of the substantially U-shaped opening, as recited in claim 14.

Accordingly, claims 1 and 14 are not anticipated by Ogiso, Nakata, JP077 and JP821. Further, claims 4-7, depending from claim 1, and claims 17-20 depending from claim 14 also are not anticipated by Ogiso, Nakata, JP077 and JP821. Applicant requests withdrawal of the rejection of claims 1, 4-7, 14 and 17-20 under 35 U.S.C. §102(a). Because claims 2 and 15

are canceled, the rejection of claims 2 and 15 are moot, and thus, Applicant requests withdrawal of the rejection of claims 2 and 15 under 35 U.S.C. §102.

The Office Action rejects claims 3 and 16 under 35 U.S.C. §103(a) over Ogiso or JP821 and JP-A 3-113909 (JP909). This rejection is respectfully traversed.

As discussed above, Ogiso and JP821 do not disclose or suggest the features of claims 1 and 14. JP909 also does not disclose or suggest the features of claim 1 missing from Ogiso and JP821. In fact, JP909 does not disclose or suggest any substantially U-shaped opening.

Thus, even if combined, Ogiso, JP821 and JP909 do not disclose or suggest the features of claims 1 and 14. Because claim 3 depends from claim 1 and claim 16 depends from claim 14, claims 3 and 16 would not have been obvious over Ogiso, JP821 and JP909. Applicant requests withdrawal of the rejection of claims 3 and 16 under 35 U.S.C. §103.

For at least the above reason, Applicant submits that the application is in condition for allowance. Prompt consideration and due allowance are earnestly solicited.

Should the Examiner believe any further is desirable in order to place the application in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney at the telephone number listed below.

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